

FARMINGTON CITY
PLANNING COMMISSION MEETING
December 15, 2016

STUDY SESSION

***Present:** Chair Rebecca Wayment, Commissioners Heather Barnum, Connie Deianni, Kent Hinckley, and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioners Bret Gallacher and Dan Rogers were excused.*

Item #3. Jonathan Hughes and Chase Freebairn / Ivory Homes – Requesting a recommendation for General Land Use Plan Amendment of 31.79 acres of property

David Petersen said this item has been discussed multiple times. The property owner and applicant felt the 4218 line was misplaced, as previously presented by the Davis County Surveyor. Once staff started to investigate the General Plan and the 4218 line, staff determined there was more to the Development Restricted (DR) area than just the 4218 line. **David Petersen** said staff's recommendation is to deny the motion, but to encourage the applicant to consider an increase in density via Transfer of Development Rights (TDRs), as found in the staff report. He said another property owner, Bruce Bassett, was below the 4218 line, but received approval for a subdivision with the use of TDRs. **David Petersen** explained that one of the considerations for approving Bruce Bassett's request for TDRs was the need to improve 1100 W. He said the City may need additional help with improvements on 1525 W., and a subdivision like what Ivory Homes may propose could assist with those improvements. He also pointed out that the property being discussed with this item most likely can have sewer access, which was also the case with Bruce Bassett's property.

Heather Barnum expressed concern regarding an increase in density with the use of TDRs and that whether or not the property can have sewer access is being considered along with the possibility of a subdivision. She said she feels discussing the sewer potential negates the previous discussions that the Planning Commission is not as concerned with, if the land is undevelopable, but if the City wants to develop parts of the area based on the criteria listed in the General Plan, like the natural habitat, wildlife, wetlands, etc.

David Petersen reminded the commissioners that TDRs are discretionary. If the Commission chooses to approve the motion as written in the staff report, the Commission is not approving the TDRs, but allowing the applicant to consider it. The commissioners expressed concern that including the second part of the motion in the staff report regarding the TDRs may give encouragement to the applicant. The commissioners feel it is the applicant's choice to consider the TDRs on their own accord, and should not be included as part of the motion. **David Petersen** suggested removing the second part of the motion and Finding #4.

Item #4. Miscellaneous: a) Wasserman Shop in a Side Yard

Eric Anderson said this item is for a detached accessory building that begins in the rear yard, but encroaches into the side yard. He said approximately 40% of the proposed building will be located in the side yard. He said a Zone Ordinance states that if a detached garage or other architecturally compatible structure is located in the side yard, it must be approved by the Planning Commission after a

public hearing is heard. **Eric Anderson** said staff is recommending approval of the item. The commissioners expressed concern over if what is being proposed is a “shop” or a “pole barn,” as well as what it may look like and how it will be used. The commissioners felt these questions were important as there have been approvals of other similar detached structures, and it turned out differently than expected. **Eric Anderson** referenced the applicant’s provided narrative, although he had plans to explain it in person. Due to an emergency, the applicant will not be in attendance at the meeting. **Eric Anderson** made the suggestion to table the item if the commissioners would like answers to their questions.

REGULAR SESSION

***Present:** Chair Rebecca Wayment, Commissioners Heather Barnum, Connie Deianni, Kent Hinckley, and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioners Bret Gallacher and Dan Rogers were excused.*

Item #1. Minutes

Kent Hinckley made a motion to approve the Minutes from the December 1, 2016 Planning Commission meeting. **Alex Leeman** seconded the motion, which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the December 6, 2016 City Council meeting. He said the Dorene Smith Subdivision schematic plan and preliminary PUD master plan was approved. He said all comments were positive as the developer, Jerry Preston, is working to preserve the historic home while still getting the same number of rooftops. **David Petersen** said the City canceled their intent to create a Special Assessment Area (SAA), as there were 70% of affected residents that voted against it; the SAA needed 60% of affected residents in favor of it for it to pass. **David Petersen** said the City will now call on residents’ extension agreements, which may be more expensive for them without the discounted price the City had negotiated with the SAA consideration. He also said residents no longer have the 10-year buy back, as was also offered under the SAA. **David Petersen** said the street cross-section modification proposal for the Rock Mills Estate subdivision was also approved. **Eric Anderson** said the staff report was already distributed to the City Council so the Council was unable to see the tree preservation plan, but the Council appreciated that the Planning Commission requested and approved it. **David Petersen** also said the City contracted with a firm from Idaho to clean up inconsistencies with the zoning ordinance, as well as provide links between different sections of the Ordinance online. The process has been completed, and the City Council adopted the revisions to the Ordinance.

GENERAL PLAN AMENDMENT

Item #3. Jonathan Hughes and Chase Freebairn / Ivory Homes – Applicants are requesting a recommendation for General Land Use Plan Amendment of 31.79 acres of property located at approximately 600 South 1525 West from DR (Development Restricted, Very Low Density, and/or Agriculture Open Space) to RRD (Rural Residential Density) designation. (Z-2-16)

David Petersen said on the November 17th Planning Commission meeting, he presented a matrix to the Commission that demonstrated the text of the General Plan as it relates to the Development

Restricted (DR) area. He said the 4218 line is part of that text; however, it is never referenced as the flood plain line. **David Petersen** showed the flood plain map and the location of each property as it relates to the DR area. He explained the matrix lists all open space criteria that the Commission's predecessors thought was important. **David Petersen** said he asked the commissioners if any felt a criterion was not important, but the commissioners agreed that each criterion was important. He said he then compiled the matrix based on if the property touched one of the criterion, including wetlands, stream channels, grasslands, trails, etc. **David Petersen** said based on the discussion from the November 17th meeting, staff crafted a motion and provided findings for it.

Chase Freebairn, 978 E. Woodoak Lane, Salt Lake City, said that he understands that the request to amend the General Plan for this property has a lot of impacting factors for the City. In reference to the matrix, he said there are lots of properties along the 4218 line that are impacted by the flood plain, wetlands, inability to sewer, etc., but he said he feels this property does not apply. He said the Hughes property does not have any wetlands (minus the ditch located on the property). He said there is an active residential development just beyond the northwest corner of the property. He said he appreciates the City's thoroughness of this application, but he feels the question to be considered is if the City feels ½ acre lots are appropriate for the area. He pointed out that previously, a commissioner said the Commission is always looking for ½ acre lot subdivisions; this plan meets that request. **Chase Freebairn** said they are working with FEMA to mitigate the flood plain as well. He said staff has mentioned the TDR route for the subdivision, and he would appreciate any feedback from the Commission regarding it.

Heather Barnum said she feels the Planning Commission does not have the opportunity very often to make recommendations. The Planning Commission often reviews applications to determine if the request complies; however, what is currently before the Commission is an important decision because it will affect the rest of the property in the area. She said she feels she does not have a compelling enough reason to say that the line is not a good thing to maintain. She is concerned that there is such a push for development when there should be a greater push for preserving. She feels there are other beautiful properties on other plots of land where the City has determined it more appropriate to develop. She feels these options should be pursued. **Heather Barnum** also said that the motion encourages the applicant to consider TDRs, but that she does not think it is appropriate for the Commission to record any suggested action for a developer to take as that is the developer's decision to determine their next course of action. She also expressed concern that another subdivision with approved TDRs was referenced. She feels if the applicant and staff are using the argument that another subdivision was able to develop with the use of TDRs then another property owner will continue to use the same argument in the future.

Heather Barnum said she would like to strike Finding #4 and remove the "AND" part of the proposed motion, as found in the staff report.

Kent Hinckley said Finding #1, where it states, "There are too many goals and objectives suggesting that the designation of the property should remain DR," and Finding #3, where it states changing the DR area may be inconsistent and/or detrimental is weighing on his mind. He said he has concerns regarding these issues presented in the Findings.

Alex Leeman said he thinks it is important to distinguish that this application is not a development question, but a density question. He said the current zoning of the property allows the developer 5 acre lots; however, he feels the question to consider is if the City would like ½ acre lots. He said the density is identical to the property to the north, and that a road is stubbed to the applicant's property for continued development. **Alex Leeman** said he would vote to allow the applicant to move forward with the proposed development. He said he understands that there are "other places" to be

developed; however, the applicant does not own those “other places.” He feels property rights should be protected. **Alex Leeman** said he feels the TDR route may be a good solution.

Rebecca Wayment said she likes to see development happen where it makes sense. She said she frequently hears complaints of basements flooding from West Farmington residents anytime there is a large rainstorm. She said she understands “buyer beware,” but feels there may be areas that are not great for development. She said she also understands Commissioner Leeman’s point of view with property rights, but also hears concerns about preserving land and not developing just because land is “developable.” **Rebecca Wayment** said she feels there is a reason why a DR area was created. She said she feels uncomfortable changing the General Plan to accommodate this specific property, and that the applicant should consider other avenues for development.

Connie Deianni said she has listened to the discussion at this meeting and past meetings. She expressed concern for the preservation of wildlife. She feels there are other alternative properties that may be better to build on. She said she could not get comfortable with approving the request.

Motion:

Connie Deianni made a motion that the Planning Commission recommend that City Council deny the General Plan amendment request which would change the designation on the General Land Use Plan map from DR to RRD related to the 31.79 acres of property located at approximately 600 South 1525 West. **Kent Hinckley** seconded the motion. **Heather Barnum, Connie Deianni, Kent Hinckley and Rebecca Wayment** voted in favor of the motion; **Alex Leeman** voted against it. The motion passed on a 4-1 vote.

Findings:

1. After a thorough review of the General Plan on November 17, 2016, the Planning Commission identified several policies, goals, and objectives set forth in the text therein that provided and justified the basis for the DR designation as shown on the General Land Use Plan map: independent of the location of the 4218 line (see attached matrix and background information), [note: the language of the text of the General Plan supersedes the map], and even though it appears that the applicant may have, or could address at least one of these criteria (that is, providing a buffer for trails and adequate trail access) there are too many goals and objectives suggesting that the designation of the property should remain DR.
2. The text and map of the General Plan clearly demonstrates that the elevation of 4,218 feet above sea level shown on the map, beginning in 1993, is not a floodplain line but rather it is intended to show an area that should be identified as DR for reasons set forth in the text of the plan (see finding above). Therefore, it is not relevant if the City in 1993 used the right or wrong datum point in determining the elevation of this line. This policy has been verified in the past as the City has denied requests by owners who have asked that the City consider amending the DR designation for the only reason of changing the elevation of the ground by simply bringing in dirt to change the topography of their land.
3. Changing the DR designated area is inconsistent with the goals, policies, and objectives of the General Plan, which are still valid, and may set a detrimental precedent contrary to said plan.

Staff and the commissioners suggested the applicant consider other alternatives for this development; staff is willing to answer questions regarding these alternatives.

OTHER

Item #4. Miscellaneous: a) Wasserman Shop in a Side Yard (Public Hearing) – 734 North 2000 West – AE Zone

Eric Anderson said the applicant's home is located in the Spring Creek Estates Phase II subdivision. He said the applicant is requesting what he calls a "shop" in the side/rear yard on the east side of his home. He said 40% of the shop would be located in the side yard. The applicant provided a short narrative regarding the shop, as found in the staff report. **Eric Anderson** said staff is comfortable with the approval of the shop. The shop will have minimal impact for the neighbors, it is subordinate to the height of the home, and a building permit must be issued for it as well. **Eric Anderson** said the applicant had an emergency so he is unable to attend the meeting. He suggested tabling the item if the commissioners have questions they would like answered by the applicant.

Rebecca Wayment opened the public hearing at 7:34 p.m.

No comments were received.

Rebecca Wayment closed the public hearing at 7:34 p.m.

Heather Barnum said that as long as the shop meets the height and size requirements, she does not feel it is a big issue. She asked what the radius is for the notice mailing on an item like what is being considered. **Eric Anderson** said property owners within a 300' radius surrounding the property were noticed. **Heather Barnum** feels neighbors had an opportunity to express their opinion if there were concerns.

Connie Deianni said she would like clarification on if the applicant is proposing a "shop" or a "pole barn." She also said it would be nice to have elevations on what will be built. She said she has seen RVs located at the property, so she wondered if the applicant is proposing a pole barn to cover the RVs. She wondered if there could be regulations regarding the look of the structure. **Alex Leeman** said there might be some leeway regulations that may be put in place as the Zoning Ordinance states, "a detached garage, or other architecturally compatible structure..."

Kent Hinckley said he does not feel like there is urgency on this item, so he would prefer to have clarification on if the structure is a shop or a pole barn to ensure the Commission is not approving something they do not want. **Rebecca Wayment** agreed, as there is a home near the Frontage Road that previously had a detached garage approved, and it is not what the commissioners understood it to be when reviewing the application. She is comfortable tabling the item.

Heather Barnum asked what for the proposed size of the structure. **David Petersen** said the proposed structure is 24' x 40'. For comparison purposes, he said the average Walmart parking space is 9' x 18'.

Motion:

Heather Barnum made a motion that the Planning Commission table the item. **Connie Deianni** seconded the motion, which was unanimously approved.

Item #5. Miscellaneous: c) Elections

Motion for Planning Commission Chair:

Kent Hinckley made a motion that the Planning Commission appoint **Heather Barnum** for the 2017 Planning Commission Chair. **Alex Leeman** seconded the motion, which was unanimously approved.

Motion for Planning Commission Vice-Chair:

Kent Hinckley made a motion that the Planning Commission appoint **Alex Leeman** for the 2017 Planning Commission Vice-Chair. **Heather Barnum** seconded the motion, which was unanimously approved.

Motion for Planning Commission Board of Adjustment Representative:

Rebecca Wayment made a motion that the Planning Commission appoint **Kent Hinckley** for the 2017 Board of Adjustment representative. **Heather Barnum** seconded the motion, which was unanimously approved.

Item #5. Miscellaneous: d) 2017 Planning Commission Calendar

David Petersen suggested amending the proposed 2017 December meetings to one meeting on December 14, 2017. The commissioners agreed.

Motion for 2017 Planning Commission Calendar:

Heather Barnum made a motion that the Planning Commission approve the 2017 Planning Commission Calendar with the adjustment that there will only be one meeting in December on the 14th. **Connie Deianni** seconded the motion, which was unanimously approved.

Item #5. Miscellaneous: b) Charette Update/Discussion

David Petersen reviewed a presentation with the Planning Commission regarding a study and discussion that took place for the approximate 260 acres north of Park Lane and south of Shepard Lane. He said there are approximately 13 main property owners, with a few other smaller properties. He said one of the main property owners contracted with Urban Design Associates (UDA) from Pittsburgh to design a conceptual site plan for the 260 acres of property.


David Petersen said a few of the strengths for this area is the connectivity, as well as it being an ideal location for a mixed-use area. A few of the weaknesses are the storm water and high water table, as well as Park Lane acting as a divide as it is not pedestrian friendly. The opportunity for this area is that it could be a unique office park that could attract high tech companies, while provided a close area where people can live, work and play, and still having easy access to the commuter rail.

David Petersen said some of the unique features the office park could include are 3 creeks potentially preserved, pedestrian friendly access to the surrounding area that would also include restaurants, parking on the outside perimeters to further promote walkability for pedestrians, open space areas with outdoor seating, bike trails with a possible bike café located on it, and more.

ADJOURNMENT

Motion:

At 8:45 p.m., **Heather Barnum** made a motion to adjourn the meeting, which was unanimously approved.



Rebecca Wayment
Chair, Farmington City Planning Commission